

Authority: Etobicoke York Community Council Item 12.3, as adopted by City of Toronto Council on February 6 and 7, 2012
Enacted by Council: March 7, 2012

CITY OF TORONTO

BY-LAW No. 373-2012

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code and By-law No. 717-2006 with respect to the lands municipally known as 4180, 4186, 4186A and 4190 Dundas Street West.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law to remove the holding symbol (H); and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The zoning maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737 (Etobicoke Zoning Code), and attached as Schedule A-3 to Zoning By-law No. 717-2006 be and the same are hereby amended by amending the boundary between the lands with a zone symbol General Commercial – Avenues (CG-AV) and the lands with a zone symbol Private Open Space (POS) as described in Schedule 'A' annexed hereto.

Notwithstanding the Etobicoke Zoning Code and By-law No. 717-2006, the following provisions and development standards shall apply to the Lands.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law No. 717-2006, the provisions of this By-law shall apply.

2. Definitions

Notwithstanding Section 304-3 of the Etobicoke Zoning Code and By-law No. 717-2006, for the purposes of this By-law, the following definitions will apply:

"Assisted Living Unit" means a unit located on the second floor of the building and intended for use by seniors with disabilities or special needs;

"Bicycle Parking Spaces – Long-term" means bicycle parking spaces intended for use by residents and employees.

"Bicycle Parking Spaces – Short-term" means bicycle parking spaces intended for use by visitors.

"Building Envelope" means the area delineated by heavy lines and identified on Schedule 'B' to this By-law;

"Building Permit" means a permit issued under Section 8 of the *Building Code Act, 2005*, including a permit for excavation or shoring;

"Grade" means 117.5 metres Canadian Geodetic Datum;

"Gross Floor Area" shall have the same meaning as the Etobicoke Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Penthouse, Mechanical Floor Area, Indoor Amenity Areas up to 2 square metres per unit, storage areas and unenclosed balconies;

"Height" means the vertical distance between Grade and the highest point of the roof surface of the building, excluding the following:

- (i) any mechanical equipment, window washing equipment, Mechanical Penthouse, Sunroom, parapets, railings, trellises, landscape planters, stairs and stair enclosures located on the roof of the building, provided the maximum height of such elements is no higher than 6 metres above the roof surface of the building;
- (ii) Minor Projections which project from a stepped-back wall of the building;

"Indoor Amenity Area" means an indoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

"Lands" means the lands described in Schedule 'A' attached hereto;

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;

"Mechanical Penthouse" means an enclosed structure and/or area located on the roof of the building that may include mechanical equipment such as generators, cooling towers, chillers, electrical equipment, and elevator shafts;

"Minor Projections" means minor building elements which may project from the main walls of the building beyond the Building Envelope, including balconies, bay windows, roof eaves, window sills, railings, cornices, guard rails, balustrades, doors, canopies, exterior stairs and covered ramps, parapets and vents, all to a maximum projection of 1.5 metres with the exception of the main entrance canopy, which may extend to a maximum of 3.0 metres;

"Outdoor Amenity Area" means an outdoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

"Seniors' Residence" means a residential building that contains self-contained units designed for seniors' occupancy and common facilities for the preparation and consumption of food, and which may also contain accessory uses and programming such as a beauty salon and spa, library, tuck shop, communal programming space, sanctuary space, medical office space and administrative offices, provided these uses are contained within the seniors' residence building and are intended primarily for use by residents of the building. Each unit shall have a separate entrance from a common hall and shall contain sanitary facilities but shall not contain kitchen facilities;

"Site Plan Approval" means approval by the Chief Planner and Executive Director, City Planning Division or City Council, pursuant to Section 114 of the *City of Toronto Act, 2006*;

"Storey" has the same meaning as in Section 304-3 of the Etobicoke Zoning Code, but excludes Mechanical Penthouse and Sunroom;

"Sunroom" means an enclosed structure located on the roof of the building that may include stairwells, an elevator lobby, storage, an Indoor Amenity Area and washroom facilities;

3. Permitted Uses

(a) In addition to the uses permitted in Section 3(A) of By-law No. 717-2006, and Sections 320-95 (B), (C), and (D) of the Etobicoke Zoning Code, for the portion of the Lands with a zone symbol CG-AV the following use is permitted:

(i) Seniors' Residence.

(b) Notwithstanding Section 320-29 of the Etobicoke Zoning Code, for the portion of the Lands with a zone symbol POS the following use is permitted:

(i) Parks used only for conservation purposes.

4. Development Standards – Seniors' Residence

When the portion of the Lands with a zone symbol CG-AV is used for a Seniors' Residence, the following Development Standards shall apply:

(a) Building Heights

Notwithstanding Section 3(B)(1) and 3(B)(3) and Schedule A-6 of By-law No. 717-2006, the maximum Height permitted, in metres above Grade and storeys, is as shown on Schedule 'B', attached hereto.

(b) Mechanical Penthouse and Sunroom

Notwithstanding Section 3(B)(5) of By-law No. 717-2006, the maximum area of a Mechanical Penthouse on the Lands is 220 square metres and the maximum area of a Sunroom on the Lands is 120 square metres.

(c) Maximum Gross Floor Area

Notwithstanding Section 3(D)(2) and Schedule A-6 of By-law No. 717-2006, the maximum Gross Floor Area permitted on the Lands is 13,150 square metres.

(d) Parking Requirements

(i) Notwithstanding Section 3(E)(3), 3(E)(4) and 3(E)(6) of By-law No. 717-2006, vehicle parking shall be provided on the Lands at the following minimum ratios: 0.25 stalls per unit with an additional 0.1 stalls per unit for the exclusive use of visitors.

(ii) Notwithstanding Section 320-19 of the Etobicoke Zoning Code, one handicapped automobile parking space, which shall be included in the total number of parking spaces required by Section 4 (d) (i) of this By-law, shall be provided on the Lands.

(iii) Notwithstanding Sections 3(O)(a) and 3(O)(b) of By-law No. 717-2006, bicycle parking shall be provided on the Lands at the following ratios: 0.1 long-term spaces per unit with an additional 0.1 short-term spaces per unit.

(iv) Notwithstanding Section 4 (d) (iii) of this By-law, no bicycle parking spaces shall be required for assisted living units.

(v) No person shall use any portion of the Lands for surface or above-grade vehicle parking other than the pick-up and drop-off area and trucks for loading within the loading bay area.

(e) Treatment at Grade

(i) Notwithstanding Section 3(H)(1) of By-law No. 717-2006 a second access to the entire building that does not front onto the primary street frontage shall be permitted.

(ii) Notwithstanding Section 3(H)(5) of By-law No. 717-2006, the finished ground floor of the building shall be constructed at the same grade as the grade at the Dundas Street West entrance to the building.

(f) Service Areas

Notwithstanding Sections 3(J)(3) of By-law No. 717-2006, garbage storage areas may be located outside of the Building Envelope provided that they are located in the rear yard of the building and wholly within the portion of the Lands with a zone symbol CG-AV and are screened.

(g) Building Setback and Yard Requirements

(i) Notwithstanding Subsections 3(L)(3)(i)(a), 3(L)(3)(i)(b), 3(L)(5)(i)(b) and 3(M) of By-law No. 717-2006 and Section 320-80 of the Etobicoke Zoning Code:

(A) No building or structure shall be located other than within the Building Envelope shown on Schedule 'B'.

(B) The front yard setback at ground level shall be a maximum of 4.0 metres.

(C) The Mechanical Penthouse shall be set back a minimum of 2.0 metres from the front wall of the eighth floor.

(ii) Notwithstanding Section 4 (g) (i) of this By-law, any portion of the building or structure which is located below Grade may be located outside of the Building Envelope shown on Schedule 'B' provided such below Grade building or structure is set back a minimum of 7.5 metres from the Hazard Line/Stable Top-of-Bank shown on Schedule "B".

(iii) Minor Projections are permitted outside the Building Envelope.

(iv) Permitted accessory structures, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings related to underground parking structures, vents, safety railings, planters, retaining walls, other landscape features, electrical ducts and electrical transformers are permitted outside the Building Envelope and within the 7.5 metre setback from the hazard line Hazard Line/Stable Top-of-Bank shown on Schedule "B".

5. Removal of the "H" Holding Symbol

When the portion of the Lands with a zone symbol CG-AV is used for a Seniors' Residence By-law No. 717-2006 is amended by removing the Holding Symbol (H) from the Lands shown on the attached Schedule 'A'.

6. Section 37

When the portion of the Lands with a zone symbol CG-AV is used for a Seniors' Residence:

- (a) The density and heights of development permitted by this By-law are subject to the Owner of the Lands, at its sole expense, providing the following cash contributions toward specific facilities in accordance with and subject to the Agreement required in this Section, pursuant to Section 37 of the *Planning Act* as follows, including insurance, indemnity, and letters of credit:
 - (i) Prior to the issuance of the first above-grade building permit for all or any portion of the Lands, the Owner shall pay to the City by certified cheque the sum of one hundred and fifty thousand dollars (\$150,000.00) to be used for streetscape improvements along Dundas Street West, and such sum is to be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment to the City.
 - (b) The Owner of the Lands must enter into and register on title to the Lands an agreement with the City, pursuant to Section 37 of the *Planning Act*, for the purpose of securing the facilities, services, and matters set forth in Section 12 of this By-law, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, including:
 - (i) The conveyance of the portion of Lands north of the "Hazard Line/Stable Top-of-Bank" as shown on Schedule 'A' of this By-law, to the Toronto and Region Conservation Authority as a condition of Site Plan Approval for the proposed development.
 - (ii) The design, implementation, securing and warranty, by the owner, of slope remediation works, comprehensive planting and ravine stewardship for the land north of the "Hazard Line/Stable Top-of-Bank" as shown on Schedule 'A' of this By-law, to the satisfaction of the Toronto and Region Conservation Authority and the Director of Urban Forestry, Ravine and Natural Feature Protection, as a condition of Site Plan Approval for the proposed development.
 - (iii) The provision of noise attenuation measures as detailed in the Aercoustics Engineering Limited report titled "4180/4190 Dundas Street West/Impact of Railway Noise" dated April 4, 2011.
 - (iv) The provision of easements, registered on title, permitting joint use of a shared right-of-way permitting vehicular and pedestrian access to the Lands and to the abutting property to the east (4174 Dundas Street West) as a condition of Site Plan Approval for the proposed development.

7. Notwithstanding any severance, partition or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
8. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
373-2012 March 7, 2012	Lands located on the north side of Dundas Street West, east of Prince Edward Drive North and known as 4180, 4186, 4186A and 4190 Dundas Street West.	To provide site specific development standards to permit a seniors' residence building at 4180, 4186, 4186A and 4190 Dundas Street West.

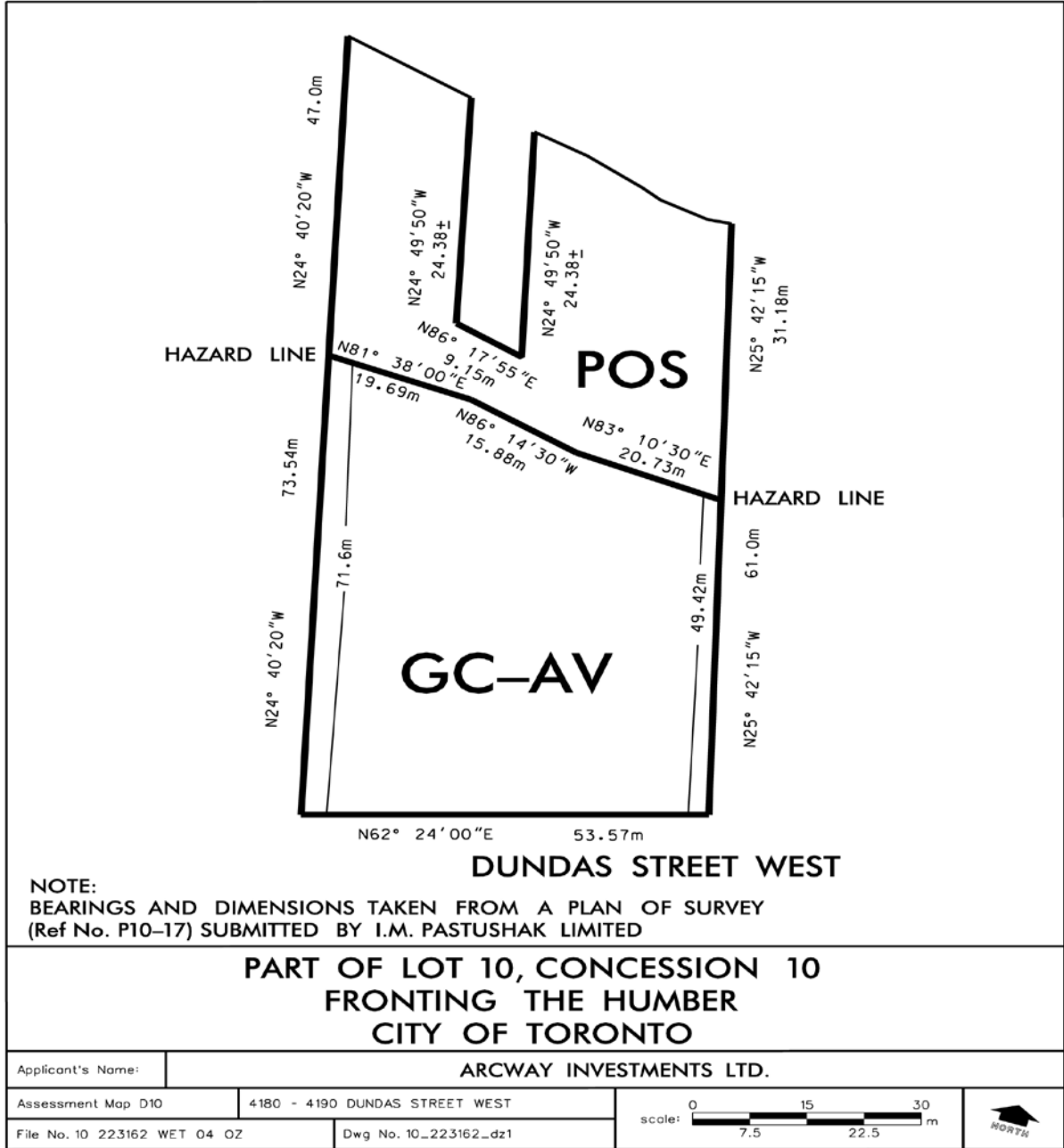
ENACTED AND PASSED this 7th day of March, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Toronto Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW

